

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Christopher Bayly et al.

Serial No. 10/585,147

Filed: June 29, 2006

For: CATHEPSIN CYSTEINE PROTEASE INHIBITORS

Art Unit: To be assignedExaminer: To be assigned

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

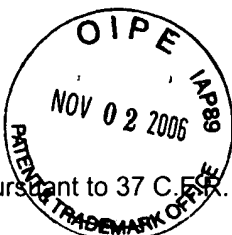
**INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR 1.97**

Sir:

1. In compliance with 37 C.F.R. 1.97, submitted on the attached form herewith is a list of patents, publications or other information which are requested to be made of record in this application. This Information Disclosure Statement is not an admission that any patent, publication or other information referred to herein is "prior art" for this invention. In accordance with 37 C.F.R. 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. 1.56(b).
2. In accordance with 37 C.F.R. 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.
3. Applicants respectfully request that the Examiner initial the attached form after reviewing the pertinence of each reference.
4. Pursuant to 37 C.F.R. 1.98 (a)(2)(ii), copies of each cited U.S. patent and each U.S. patent application publication are not enclosed herewith.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

MERCK & CO., INC.By Barbara Muller Date 10-30-06

**INFORMATION DISCLOSURE STATEMENT**

5. Pursuant to 37 C.F.R. 1.98(d), copies of references listed on the attached form that were submitted to or cited by the Office in a related application upon which the instant application relies for an earlier filing date under 35 U.S.C. 120 are not enclosed. Related application(s) in which references were submitted to or cited by the Office are as follows:

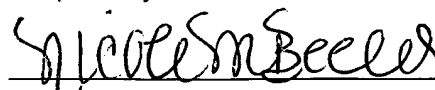
RELATED APPLICATION		
U. S. SERIAL NUMBER	FILING DATE	MERCK CASE

If this is inconvenient, additional copies will be submitted upon request.

6. In accordance with 37 C.F.R. 1.97, (check one)

- ☐ the attached information is filed within three months of the filing date of the captioned case.
- ☒ the attached information is filed more than three months after the filing date but prior to the mailing of a first Office Action on the merits.
- ☐ the attached information is filed before the mailing of a first Office action after the filing of a request for continued examination under §1.114.
- ☐ the attached information is being filed more than three months after the filing date and after the mailing of a first Office Action on the merits, but before the mailing date of a Final Action, Notice of Allowance, or an action that otherwise closes prosecution in the application. The enclosed authorization is therefore given to charge Deposit Account No. 13-2755 for the fee required under 37 C.F.R. 1.17(p).
- ☐ each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement.
- ☐ each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart application *and this communication was not received by any individual designated in §1.56(c) more than thirty days prior to the filing of the information disclosure statement.*
- ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated under 37 C.F.R. 1.56(c) more than three months prior to the filing of this Statement.

Respectfully submitted,



By: Nicole M. Beeler

Attorney _____ For Applicant(s)

Reg. No. 45,194

MERCK & CO., INC.

Patent Dept., RY60-30

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Date: October 30, 2006

Substitute for form 1449A/PTO

INFORMATION DISCLOSURE

~~STATEMENT BY APPLICANT~~

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of

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COMPLETE IF KNOWN

Application Number	10/585,147
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Filing Date	June 29, 2006
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First Named Inventor	Christopher Bayly
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Group Art Unit	To be assigned
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Examiner Name	To be assigned
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Attorney Docket Number	MC099YP
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U.S. PATENT DOCUMENTS

[illegible]

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.	Foreign Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Office	Number Kind Code (if known)		
			WO 2004/033445	Merck Frosst Canada & Co.	04/22/2004
			WO 98/50533	Smithkline Beecham Corporation	11/12/1998
			WO 98/05336	Smithkline Beecham Corporation	02/12/1998
			WO 01/70232	Smithkline Beecham Corporation	09/27/2001
			WO 01/95911	Smithkline Beecham Corporation	12/20/2001
			WO 00/69855	Medivir UK Limited	11/23/2000
			WO 02/088106	Medivir AB	11/07/2002
			WO 02/057248	Incenta Limited	07/25/2002
			WO 02/057270	Incenta Limited	07/25/2002
			WO 02/057246	Incenta Limited	07/25/2002

Examiner
Signature

Date
Considered

*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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Computer generated form "IDS Form" (IDS Folder), Merck & Co., Inc., 8/24/2006

STATEMENT BY APPLICANT

COMPLETE IF KNOWN

Application Number	10/585,147
Filing Date	June 29, 2006
First Named Inventor	Christopher Bayly
Group Art Unit	To be assigned
Examiner Name	To be assigned
Attorney Docket Number	MC099YP

Sheet

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of

3

Attorney Docket Number MC099YP

Examiner
Initials*Cite
No.

U.S. Patent Document

Number

Kind
Code
(if known)Name of Patentee or Applicant
of Cited Document

Date of Publication of
Cited Document
MM-DD-YYYY

Examiner
Initials*Cite
No.

Foreign Patent Document

Office

Number

Kind
Code
(if known)Name of Patentee or Applicant
of Cited Document

Date of Publication of
Cited Document
MM-DD-YYYY

WO 02/057249

Incenta Limited

07/25/2002

Examiner
Signature

Date
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of

3

Attorney Docket Number

MC099YP

COMPLETE IF KNOWN**Application Number**

10/585,147

Filing Date

June 29, 2006

First Named Inventor

Christopher Bayly

Group Art Unit

To be assigned

Examiner Name

To be assigned

NON PATENT LITERATURE DOCUMENTS

Examiner
Initials*Cite
No.

Include name of the author, title, date, page(s), volume-issue number(s) and place of publication.

Saftig, P et al., PNAS: Proceedings of the National Academy of Sciences, Vol. 95, pp 13453-13458 (1998), "Impaired osteoclastic bone resorption leads to osteopetrosis in cathepsin-K-deficient mice"

Thompson, SK et al., PNAS: Proceedings of the National Academy of Sciences, Vol. 94, pp 14249-14254 (1997), "Design of potent and selective human cathepsin K inhibitors that span the active site"

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Signature

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